4. (Twice Amended) The bandwidth allocation manager of claim 30, wherein the allocation criteria received from the subscriber comprises a subscriber reservation request identifying a date and time that the subscriber wishes to reserve for viewing a program in the future.

5. (Once Amended) The bandwidth allocation manager of claim 30, wherein the allocation criteria received from the subscriber comprises a plurality of subscriber reservation requests with at least two assigned priorities.

6. (Twice Amended) The bandwidth allocation manager of claim 30, wherein the bandwidth allocation manager processes a plurality of allocation criteria according to a statistical model to determine an adjusted bandwidth allocation schedule, wherein the statistical model assigns a weight to each of the allocation criteria, and wherein the assigned weight determines the priority given to each allocation criteria.

8. (Once Amended) The bandwidth allocation system of claim 31, wherein the VOD application server in communication with the bandwidth allocation manager, wherein the VOD application server transmits a list of available content delivery modes to the bandwidth allocation manager.

9. (Twice Amended) The bandwidth allocation system of claim 31, wherein the at least two different content delivery modes are selected from the group consisting of broadcast, pay-per-view, video-on-demand, and near video-on-demand.

10. (Twice Amended) The bandwidth allocation system of claim 31, wherein the allocation criteria received from the subscriber comprises a subscriber reservation request identifying a date and time that the subscriber wishes to reserve for viewing a program in the future.

11. (Once Amended) The bandwidth allocation system of claim 31, wherein the allocation criteria received from a subscriber comprises a plurality of subscriber reservation requests with at least two assigned priorities.

12. (Twice Amended) The bandwidth allocation system of claim 31, wherein the bandwidth allocation manager processes a plurality of allocation criteria according to a statistical model to determine a bandwidth allocation schedule, wherein the statistical model assigns a weight to each of the allocation and wherein the assigned weight determines the priority given to each allocation criteria.

13. (Twice Amended) The bandwidth allocation system of claim 31, wherein at least one content delivery mode comprises a video content delivery mode wherein at least three instances of a same video content at time-spaced intervals of varying length.

14. (Twice Amended) A digital home communication terminal for use in a digital broadband delivery system containing a bandwidth allocation manager comprising:

an interface that receives a subscriber reservation request comprising at least two subscriber preference sets, wherein each subscriber preference set identifies a content delivery mode and wherein the subscriber assigns a priority to each preference set indicating the subscriber's relative desire for each preference set to be fulfilled;

a tuner that transmits the subscriber criteria to the bandwidth allocation manager for use in dynamically allocating bandwidth in the digital broadband delivery system.

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21. (Twice Amended) The method of claim 32, wherein the at least two different content delivery modes are selected from the group consisting of broadcast, pay-per-view, video-on-demand, and near video-on-demand.

22. (Twice Amended) The method of claim 32, wherein at least one content delivery mode comprises a content delivery mode wherein as least three instances of a same video content are transmitted at predetermined time-spaced intervals of varying length.

23. (Twice Amended) The method of claim 32, wherein receiving an allocation criteria from a subscriber comprises receiving an allocation criteria comprising a subscriber reservation request identifying a date and time that the subscriber wishes to reserve for viewing a program in the future.

24. (Once Amended) The method of claim 32, wherein receiving the allocation criteria received from a subscriber comprises receiving an allocation criteria comprising a plurality of subscriber reservation requests with at least two assigned priorities.

25. (Twice Amended) The method of claim 32, wherein dynamically adjusting a bandwidth allocation schedule includes processing the allocation criteria according to a statistical model, wherein the statistical model assigns a weight to each of the allocation criteria and wherein the assigned weight determines the priority given to each allocation criteria..

26. (Once Amended) The method of claim 32, further comprising allocating bandwidth in the digital broadband delivery system according to the bandwidth allocation schedule.

27. (Once Amended) A bandwidth allocation manager for determining bandwidth allocation in a digital broadband delivery system, wherein the bandwidth allocation manager dynamically assigns at least two different content delivery modes to a plurality of digital transmission channels based at least partially on a subscriber reservation request comprising a date and time that the subscriber wishes to reserve for viewing a program in the future, a plurality of subscriber preferences identifying a preferred content delivery mode and a price the subscriber is willing to pay to have the reservation request fulfilled.

28. (Once Amended) A bandwidth allocation system in a digital broadband delivery system comprising:

a bandwidth allocation manager that determines a bandwidth allocation schedule in the digital broadband delivery system based at least partially on a subscriber reservation request, wherein the subscriber reservation request comprises a plurality of subscriber preferences identifying a preferred content delivery mode and a price the subscriber is willing to pay to have the reservation request fulfilled; and

a network manager in communication with the bandwidth allocation manager, where the network manager allocates bandwidth according to the bandwidth allocation schedule determined by the bandwidth allocation manager.

29. (Once Amended) A digital home communication terminal for use in a digital broadband delivery system containing a bandwidth allocation manager comprising:

an interface that receives a subscriber reservation request identifying a date and time that the subscriber wishes to reserve for viewing a program in the future, wherein the subscriber reservation request comprises a plurality of subscriber preferences identifying a preferred content delivery mode and a price the subscriber is willing to pay to have the reservation request fulfilled; and

a tuner that transmits the subscriber criteria to the bandwidth allocation manager for use in dynamically allocating bandwidth in the digital broadband delivery system.

Please add the following new claims:

30. (New) A bandwidth allocation manager that assigns at least two different content delivery modes to a plurality of digital transmission channels, wherein the at least two content delivery modes are assigned to the digital transmission channels dynamically based on at least one allocation criteria received from a subscriber, thereby dynamically adjusting the bandwidth allocated to one or more of the at least two content delivery modes.

31. (New) A bandwidth allocation system in a digital broadband delivery system comprising:

a bandwidth allocation manager that adjusts a bandwidth allocation schedule by assigning at least two different content delivery modes to a plurality of digital transmission channels, wherein the at least two content delivery modes are assigned to the digital transmission channels dynamically based on at least one allocation criteria received from a subscriber, thereby dynamically adjusting the bandwidth allocated to one or more of the at least two content delivery modes; and

a network manager in communication with the bandwidth allocation manager, where the network manager allocates bandwidth according to the adjusted bandwidth allocation schedule determined by the bandwidth allocation manager.

32. (New) A method for allocating bandwidth in a digital broadband delivery system comprising:

B3 Cont.

initiating a bandwidth allocation event;

receiving an allocation criteria from a subscriber; and

dynamically adjusting a bandwidth allocation schedule by assigning at least two different content delivery modes to a plurality of digital transmission channels, wherein the at least two content delivery modes are assigned to the digital transmission channels dynamically based on the at least one allocation criteria received from a subscriber, thereby dynamically adjusting the bandwidth allocated to one or more of the at least two content delivery modes.

33. (New) A bandwidth allocation manager for determining bandwidth allocation in a digital broadband delivery system, wherein the bandwidth allocation manager broadcasts a video content to a plurality of subscribers using bandwidth previously allocated to another content delivery mode, wherein a time of broadcast is determined by the bandwidth allocation manager to substantially satisfy a plurality of subscriber requests to view the video content at a specified time.

34. (New) A bandwidth allocation system in a digital broadband delivery system comprising:

a bandwidth allocation manager that determines a bandwidth allocation schedule in the digital broadband delivery system, wherein the bandwidth allocation manager broadcasts a video content to a plurality of subscribers using bandwidth previously allocated to another content delivery mode, wherein a time of broadcast is determined by the bandwidth allocation manager to substantially satisfy a plurality of subscriber requests to view the video content at a specified time; and

a network manager in communication with the bandwidth allocation manager, where the network manager allocates bandwidth according to the bandwidth allocation schedule determined by the bandwidth allocation manager.

35. (New) A method for allocating bandwidth in a digital broadband delivery system comprising:

B3 Cont.

initiating a bandwidth allocation event;

receiving subscriber requests to view a video content at a specified time from a plurality of subscribers;

determining a time of broadcast that substantially satisfies the subscriber requests; and

broadcasting the video content to the plurality of subscribers using bandwidth previously allocated to another content delivery mode at the time of broadcast.

36. (New) A bandwidth allocation manager for determining bandwidth allocation in a digital broadband delivery system, wherein the bandwidth allocation manager dynamically assigns at least two different content delivery modes to a plurality of digital transmission channels based at least partially on an allocation criteria received from a subscriber, wherein the allocation criteria received from the subscriber comprises a subscriber reservation request comprising at least two subscriber preferences sets, wherein each subscriber preference set identifies a content delivery mode and wherein the subscriber assigns a priority to each preference set indicating the subscriber's relative desire for each preference set to be fulfilled.

37. (New) A bandwidth allocation system in a digital broadband delivery system comprising:

a bandwidth allocation manager that determines a bandwidth allocation schedule in the digital broadband delivery system based at least partially on an allocation criteria received from a subscriber by assigning at least two different content delivery modes to a plurality of digital transmission channels, wherein the allocation criteria received from a subscriber comprises a subscriber reservation request comprising at least two subscriber preferences sets, wherein each subscriber preference set identifies a content delivery mode and wherein the subscriber assigns a priority to each preference set indicating the subscriber's relative desire for each preference set to be fulfilled; and

a network manager in communication with the bandwidth allocation manager, where the network manager allocates bandwidth according to the bandwidth allocation schedule determined by the bandwidth allocation manager.

B3 Cont.

38. (New) A method for allocating bandwidth in a digital broadband delivery system comprising:

initiating a bandwidth allocation event;

receiving a subscriber reservation request comprising at least two subscriber preferences sets, wherein each subscriber preference set identifies a content delivery mode and wherein the subscriber assigns a priority to each preference set indicating the subscriber's relative desire for each preference set to be fulfilled; and

dynamically determining a bandwidth allocation schedule based at least partially on the subscriber reservation request received from the subscriber by dynamically assigning at least two different content delivery modes to a plurality of digital transmission channels.

39. (New) A bandwidth allocation manager for determining bandwidth allocation in a digital broadband delivery system, wherein the bandwidth allocation manager dynamically determines a bandwidth allocation schedule by processing a plurality of allocation criteria received from a subscriber according to a statistical model, wherein the

statistical model assigns a weight to each of the allocation criteria, and wherein the assigned weight is selected in order to achieve an optimal bandwidth allocation.

40. (New) A bandwidth allocation system in a digital broadband delivery system comprising:

a bandwidth allocation manager that determines a bandwidth allocation schedule by processing a plurality of allocation criteria received from a subscriber according to a statistical model, wherein the statistical model assigns a weight to each of the allocation criteria, and wherein the assigned weight is selected in order to achieve an optimal bandwidth allocation; and

a network manager in communication with the bandwidth allocation manager, where the network manager allocates bandwidth according to the bandwidth allocation schedule determined by the bandwidth allocation manager.

B3 correct.

41. (New) A method for allocating bandwidth in a digital broadband delivery system comprising:

initiating a bandwidth allocation event;

receiving an allocation criteria from a subscriber; and

dynamically determining a bandwidth allocation schedule by processing a plurality of allocation criteria received from a subscriber according to a statistical model, wherein the statistical model assigns a weight to each of the allocation criteria, and wherein the assigned weight is selected in order to achieve an optimal bandwidth allocation.